The Honorable Barbara Jacobs Rothstein 1 2 3 4 5 6 UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON 7 AT SEATTLE 8 IN RE: PHENYLPROPANOLAMINE (PPA) MDL No. 1407 PRODUCTS LIABILITY LITIGATION 9 ORDER GRANTING MOTION TO This document relates to all cases listed in DISMISS "DELACO RELEASED 10 Exhibit A PARTIES" 11 12 This matter is before the court on the Motion to Dismiss filed by Williams, Kastner & 13 Gibbs PLLC, local counsel for the Delaco Settlement Trust, Miller & Martin PLLC, special 14 counsel for the Delaco Settlement Trust, and The New Delaco Company as successor in 15 interest to The Delaco Company as successor by merger to Thompson Medical Company, Inc. 16 (hereinafter "Delaco"). 17 Having considered the moving papers and attachments thereto, the court finds the 18 following: 19 1. Delaco, a defendant in numerous cases pending in MDL 1407 In Re 20 Phenylpropanolamine (PPA) Products Liability Litigation, filed a voluntary petition for relief 21 under Chapter 11 of the United States Bankruptcy Code in the United States Bankruptcy Court 22 for the Southern District of New York (hereinafter the "Bankruptcy Court"), and on February 23 17, 2006, the Bankruptcy Court confirmed the Amended Plan of Reorganization of The Delaco 24 Company under Chapter 11 of the United States Bankruptcy Code as more fully set out in the 25 Confirmation Order. ORDER GRANTING MOTION TO DISMISS "DELACO RELEASED Williams, Kastner & Gibbs PLLC 601 Union Street, Suite 4100 PARTIES" - 1 Seattle, Washington 98101-2380 (MDL No. 1407) (206) 628-6600 1975490.1

| 2. The Confirmation Order approved the establishm                    | ment of the Delaco Settlement  |
|--|--------------------------------|
| Trust; the trust's assumption of all liability arising from or relat | ted to Delaco Trust Claims     |
| through a Channeling Injunction; dismissed "all actions comme        | enced against Delaco asserting |
| personal injury or wrongful death claims based on the ingestion      | n of products containing PPA"  |
| directed the claims to the Delaco Settlement Trust; released all     | claims "constituting, based    |
| upon, arising out of, attributable to or connected with any Dexa     | atrim Trust Claims, PPA        |
| Litigation or Dexatrim Products"; and approved the appointm          | ment of Miller & Martin PLLC   |
| as the Claims Reviewer of the Trust.                                 |                                |

- 3. As required by the terms of the Delaco Settlement Trust, the Claims Reviewer reviewed Delaco Trust Claims and negotiated settlement compensation with each claimant listed on Exhibit A to this Order. Prior to receipt of settlement compensation, the claimants listed in Exhibit A executed release and tender of payment forms indicating the claimants' agreement to release his or her Delaco Trust claim and to dismiss his or her cause of action. Subsequently, each claimant listed in Exhibit A has received 90% of the total adjusted settlement compensation value (less any amounts withheld for lien holdbacks and the 8% MDL fee).
- 4. The dismissal of all actions commenced against Delaco asserting personal injury or wrongful death based on the ingestion of products containing PPA and direction of these claims to the Delaco Settlement Trust by the Bankruptcy Court is approved and adopted by this Court.
- 5. Each claimant listed in Exhibit A has settled his or her claim with the Delaco Settlement Trust and consented to the dismissal of his or her claim.

Based upon the findings set out above, IT IS HEREBY ORDERED:

That the claims identified in the chart attached to this Order as Exhibit A are dismissed with prejudice and on the merits against The Delaco Company, successor by merger to

ORDER GRANTING MOTION TO DISMISS "DELACO RELEASED PARTIES" - 2 (MDL No. 1407)

Williams, Kastner & Gibbs PLLC 601 Union Street, Suite 4100 Seattle, Washington 98101-2380 (206) 628-6600

## Case 2:01-md-01407-BJR Document 3506 Filed 03/23/07 Page 3 of 14

| 1  | Thompson Medical Company, Inc., Thomson Medical Company, Inc., Chattem, Inc., Signal   |  |  |  |  |
|----|--|--|--|--|--|
| 2  | Investment and Management Co., Sidmak Laboratories, Inc., n/k/a Pliva, Inc., the Delaco  |  |  |  |  |
| 3  | Settlement Trust, the Trustee of the Delaco Settlement Trust, the Trust Advisory Committee of  |  |  |  |  |
| 4  | the Delaco Settlement Trust, Miller & Martin PLLC, Special Master John E. Keefe, Sr., Lynch  |  |  |  |  |
| 5  | Keefe Bartels, and/or any vendor, retailer distributor, formulator, and/or manufacturer of any   |  |  |  |  |
| 6  | part of the Dexatrim Products and a Minute Entry for each case pending in MDL 1407 listed in   |  |  |  |  |
| 7  | Exhibit A will be entered referring to this Order of Dismissal.  |  |  |  |  |
| 8  | DATED this 23 <sup>rd</sup> day of March, 2007.  |  |  |  |  |
| 9  |  |  |  |  |  |
| 10 | Barbara Pottetin   |  |  |  |  |
| 11 | Barbara Jacobs Rothstein U.S. District Court Judge   |  |  |  |  |
| 12 |  |  |  |  |  |
| 13 |  |  |  |  |  |
| ۱4 | PRESENTED BY:  |  |  |  |  |
| 15 | s/Gregory D. Shelton, WSBA #36530 Attorneys for Delaco Settlement Trust WILLIAMS, KASTNER & GIBBS PLLC 601 Union Street, Suite 4100 Seattle, WA 98101-2380 Telephone: (206) 628-6600 |  |  |  |  |
| 16 |  |  |  |  |  |
| 17 |  |  |  |  |  |
| 18 | Fax: (206) 628-6611<br>Email: gshelton@wkg.com   |  |  |  |  |
| 19 |  |  |  |  |  |
| 20 |  |  |  |  |  |
| 21 |  |  |  |  |  |
| 22 |  |  |  |  |  |
| 23 |  |  |  |  |  |
| 24 |  |  |  |  |  |
| 25 |  |  |  |  |  |
|    | ORDER GRANTING MOTION TO DISMISS "DELACO RELEASED PARTIES" - 3  Williams, Kastner & Gibbs PLLC 601 Union Street, Suite 4100 Septilla Washington 98101, 2380                          |  |  |  |  |

Seattle, Washington 98101-2380 (206) 628-6600

1975490.1

(MDL No. 1407)

# **EXHIBIT A**

2

3

1

### **DELACO MDL CASES TO BE DISMISSED**

| Claimant                             | MDL No.           | Parties to be Dismissed  |
|--------------------------------------|-------------------|--|
| Adams, Carol                         | 03-940            | Chattem, Inc.<br>The Delaco Company  |
| Arias, Adalgiza                      | 03-218            | Sidmak Laboratories, Inc. The Delaco Company Chattem, Inc.   |
| Banks, Bonnie and<br>Edward Gray     | 03-219            | Sidmak Laboratories The Delaco Company Thompson Medical Co., Inc. Chattem, Inc.                          |
| Barnes, Gloria                       | 02-1769           | The Delaco Company   |
| Beauvais, Diane                      | 04-224            | The Delaco Company   |
| Bishop, Roberta                      | 03-1119           | The Delaco Company<br>Sidmak Laboratories, Inc.<br>Sobel NV  |
|                                      |                   | Chattem, Inc. Signal Investment and Management   |
|                                      |                   | Pam Holdings, Inc.<br>DD Plivaa  |
| Blanchard, Elvira                    | 03-2476           | Alps Pharmaceuticals Thompson Medical Co., Inc. The Delaco Company Sidmak Laboratories, Inc. Pliva, Inc. |
| Blaylock, Lisa and Jim               | 03-614            | Sidmak Laboratories, Inc.<br>The Delaco Company<br>Chattem, Inc.   |
|                                      |                   | Steve Weiss & Co., Inc.  |
| Bowey, Rochelle<br>Bradley, Margaret | 04-225<br>02-1702 | The Delaco Company Chattem, Inc.   |
|                                      |                   | Thompson Medical Co., Inc. The Delaco Company  |
| Brookman, Marie                      | 02-340            | The Delaco Company Chattem, Inc.   |
| Brown, Annette                       | 04-236            | Chattem, Inc.<br>The Delaco Company<br>Walgreen Company  |

24

25

ORDER GRANTING MOTION TO DISMISS "DELACO RELEASED PARTIES" - 4 (MDL No. 1407)

Williams, Kastner & Gibbs PLLC 601 Union Street, Suite 4100 Seattle, Washington 98101-2380 (206) 628-6600

### Case 2:01-md-01407-BJR Document 3506 Filed 03/23/07 Page 5 of 14

| 1             | Bryant, Dorothy       | 03-200   | Chattem, Inc.                        |
|---------------|-----------------------|----------|--------------------------------------|
|               |                       |          | The Delaco Company                   |
| 2             |                       |          | Thompson Medical Co., Inc.           |
| _             |                       |          | Sidmak Laboratories, Inc.            |
| 3             |                       |          | Sobel NV                             |
| .             |                       |          | Pliva Prague                         |
| 4             |                       |          | Steve Weiss & Co., Inc.              |
| _             |                       | 01.01.11 | Alps Pharmaceutical Ind. Co.         |
| 5             | Campbell, Mallie      | 01-2141  | Thompson Medical Co., Inc.           |
| _             |                       |          | Chattem, Inc.                        |
| 6             | G 1 I                 | 02 1117  | The Delaco Company                   |
| 7             | Carlee, Joyce         | 03-1117  | The Delaco Company                   |
| ′             |                       |          | Sidmak Laboratories, Inc.            |
| 8             |                       |          | Sobel NV                             |
| 0             |                       |          | Chattem, Inc.                        |
| 9             |                       |          | Signal Investment & Management       |
|               |                       |          | Pam Holdings, Inc. (DE)              |
| 10            |                       |          | Pam Holdings, Inc. (NJ)<br>Plivaa DD |
| 10            |                       |          | Alps Pharmaceuticals                 |
| 11            | Caton, Sandra         | 03-616   | Sidmak Laboratories                  |
| 11            | Caton, Sandra         | 03-010   | The Delaco Company                   |
| 12            |                       |          | Chattem, Inc.                        |
|               |                       |          | Steve Weiss & Co., Inc.              |
| 13            | Chambers, Pricilla    | 03-2094  | Chattem, Inc.                        |
|               | Chapman, Kimberly and | 03-2004  | Chattem, Inc.                        |
| 14            | L. Wendell Chapman    | 03-1113  | The Delaco Company                   |
|               | L. Wenden Chapman     |          | Sidmak Laboratories, Inc.            |
| 15            |                       |          | Sobel NV                             |
|               |                       |          | Alps Pharmaceuticals                 |
| 16            |                       |          | Signal Investment & Management Co.   |
|               |                       |          | Pam Holdings, Inc. (DE)              |
| 17            |                       |          | Pam Holdings, Inc. (NJ)              |
|               |                       |          | Plivaa D.D.                          |
| 18            | Chapman, Oakley and   | 02-798   | Chattem, Inc.                        |
|               | Michael E. Oakley     |          | The Delaco Company                   |
| 19            | Childress, Vickie     | 03-1381  | The Delaco Company                   |
| •             | ,                     |          | Chattem, Inc.                        |
| 20            |                       |          | Coleman Pharmacy                     |
| _,            | Clark, Evie Sue       | 03-1093  | The Delaco Company                   |
| 21            |                       |          | Sidmak Laboratories, Inc.            |
| 22            |                       |          | Sobel NV                             |
| 22            |                       |          | Alps Pharmaceutical Ind. Co. Ltd.    |
| <u>,,</u>     |                       |          | Pliva DD                             |
| 23            |                       |          | Steve Weiss & Co., Inc.              |
| <sub>24</sub> | Compton, Tammy and    | 03-609   | Sidmak Laboratories, Inc.            |
| 24            | Mark Compton          |          | The Delaco Company                   |
| 25            |                       |          | Chattem, Inc.                        |
| دے            |                       |          | Steve Weiss & Co., Inc.              |
|               |                       |          |                                      |

ORDER GRANTING MOTION TO DISMISS "DELACO RELEASED PARTIES" - 5 (MDL No. 1407)

Williams, Kastner & Gibbs PLLC 601 Union Street, Suite 4100 Seattle, Washington 98101-2380 (206) 628-6600

### Case 2:01-md-01407-BJR Document 3506 Filed 03/23/07 Page 6 of 14

| 1    |                                  |         |   |
|------|----------------------------------|---------|---|
| 1    | Cook, Brenda                     | 03-1125 | Chattem, Inc.   |
|      |                                  |         | The Delaco Company                                      |
| 2    |                                  |         | Sidmak Laboratories, Inc.                               |
| 3    |                                  |         | Sobel NV  |
| 3    |                                  |         | Alps Pharmaceuticals Signal Investment & Management Co. |
| 4    |                                  |         | Pam Holdings, Inc. (DE)                                 |
| '    |                                  |         | Pam Holdings, Inc. (NJ)                                 |
| 5    |                                  |         | DD Plivaa   |
|      | Cornfield, Lori                  | 03-1122 | The Delaco Company                                      |
| 6    | ,                                |         | Sidmak Laboratories, Inc.                               |
|      |                                  |         | Sobel NV  |
| 7    |                                  |         | Chattem, Inc.   |
|      |                                  |         | Signal Investment and Management                        |
| 8    |                                  |         | Pam Holdings, Inc. (DE)                                 |
| 0    |                                  |         | Pam Holdings, Inc. (NJ)                                 |
| 9    |                                  |         | Plivaa DD   |
| 10   | Daigle Waylin                    | 04 296  | Alps Pharmaceuticals The Delege Company                 |
| 10   | Daigle, Weylin<br>Davis, Michael | 04-386  | The Delaco Company Sidmak Laboratories, Inc.            |
| 11   | Davis, Michael                   | 03-214  | The Delaco Company                                      |
|      |                                  |         | Chattem, Inc.   |
| 12   | Delano, Kelly                    | 04-66   | Chattem, Inc.   |
|      | Belano, Heny                     | 04-971  | The Delaco Company                                      |
| 13   |                                  | 0.371   | Plivaa, Inc.  |
|      | Dille, Angelita                  | 03-1382 | The Delaco Company                                      |
| 14   |                                  |         | Chattem, Inc.   |
| 1.5  |                                  |         | Coleman Pharmacy  |
| 15   | Dobbs, David                     | 03-2859 | The The Delaco Company                                  |
| 16   |                                  |         | Sidmak Laboratories, Inc.                               |
| 10   |                                  |         | Sobel NV  |
| 17   |                                  |         | Chattem, Inc.   |
| 1,   |                                  |         | Signal Investment and Management                        |
| 18   |                                  |         | Pam Holdings, Inc.<br>DD Plivaa                         |
|      |                                  |         | Alps Pharmaceuticals                                    |
| 19   |                                  |         | Brookshire Grocery Co.                                  |
|      | Dobrowolsky, Suzanne             | 03-1014 | The Delaco Company                                      |
| 20   | and Donald Dobrowolsky           |         | Sidmak Laboratories, Inc.                               |
| _    |                                  |         | Sobel NV  |
| 21   |                                  |         | Chattem, Inc.   |
| 22   |                                  |         | Signal Investment and Management                        |
| 22   |                                  |         | Pam Holdings, Inc. (DE)                                 |
| 23   |                                  |         | Pam Holdings, Inc. (NJ)                                 |
| ر دے |                                  |         | Plivaa DD   |
| 24   | Danahara Da                      | 02.2757 | Alps Pharmaceuticals                                    |
| - '  | Donohue, Renee                   | 03-2756 | Chattem, Inc.   |
| 25   | 4                                |         | The Delaco Company                                      |
| -    |                                  |         |   |

ORDER GRANTING MOTION TO DISMISS "DELACO RELEASED PARTIES" - 6 (MDL No. 1407)

Williams, Kastner & Gibbs PLLC 601 Union Street, Suite 4100 Seattle, Washington 98101-2380 (206) 628-6600

### Case 2:01-md-01407-BJR Document 3506 Filed 03/23/07 Page 7 of 14

| 1          | Dyson, Lydia                              | 02-893  | Chattem, Inc.  |
|------------|---|---------|--|
| 2          |   |         | Boudreaux's Family Pharmacy, Inc. The Delaco Company |
|            | Edwards, Delores Earline                  | 02-1373 | Chattem, Inc.  |
| 3          |   |         | The Delaco Company                                   |
| 4          | Felps, Marie                              | 03-1379 | Rite-Aid of Pennsylvania The Delaco Company          |
|            | r cips, warie                             | 03 1377 | Chattem, Inc.  |
| 5          |   |         | H.E. Butt Grocery                                    |
| 6          | Fetzer, Deann and Kelly                   | 03-941  | Coleman Pharmacy Chattem, Inc.                       |
|            | Fetzer                                    | 03-741  | The Delaco Company                                   |
| 7          |   |         | Walgreens Company                                    |
| 8          | Finnell, Joe C. and Isabel                | 03-586  | H.E. Butt Grocery                                    |
| O          | Finnell                                   | 03-380  | Thompson Medical Co., Inc. The Delaco Company        |
| 9          |   |         | Pliva, Inc.  |
| 10         |   |         | Sidmak Laboratories, Inc.                            |
| 10         | Forth, Tama                               | 03-2161 | Chattem, Inc.  |
| 11         | 1 01011, 1 01110                          |         | The Delaco Company                                   |
| 12         | Foshee, JoAnn                             | 04-1624 | The Delaco Company                                   |
| 12         | Garrett, Alice                            | 03-2498 | The Delaco Company<br>Sidmak Laboratories, Inc.      |
| 13         |   |         | Sobel NV   |
| 14         |   |         | Chattem, Inc.  |
| 17         |   |         | Pam Holdings, Inc.<br>Plivaa DD                      |
| 15         |   |         | Alps Pharmaceuticals                                 |
| 16         | Gary, Elizabeth                           | 01-2092 | The Delaco Company                                   |
| 10         |   |         | Pliva, Inc.<br>Sidmak Laboratories, Inc.             |
| 17         | Gleich, Barbara                           | 04-333  | Chattem, Inc.  |
| 18         |   |         | Thompson Medical Co., Inc.                           |
| 10         |   |         | Walgreen Company                                     |
| 19         |   |         | Wal-Mart Stores, Inc. Wal-Mart Stores East, Inc.     |
| 20         |   |         | Wal-Mart Stores East, LP                             |
| 20         | Coodman V1T                               | 02 1070 | Dierbergs Markets, Inc.                              |
| 21         | Goodman, Kay and Tom                      | 02-1079 | Thompson Medical Co., Inc.<br>Chattem, Inc.          |
| 22         |   |         | The Delaco Company                                   |
| 22         |   |         | Sidmak Laboratories                                  |
| 23         |   |         | Sobel NV<br>Pliva Prague                             |
| 24         | Green, Paulette                           | 03-2027 | Chattem, Inc.  |
| <i>2</i> 4 | G 100 D                                   | 00.1717 | The Delaco Company                                   |
| 25         | Griffin, Pamela and<br>William F. Griffin | 03-1515 | Chattem, Inc. The Delaco Company                     |
|            | William F. Gillin                         |         | The Delaco Company                                   |

ORDER GRANTING MOTION TO DISMISS "DELACO RELEASED PARTIES" - 7 (MDL No. 1407)

Williams, Kastner & Gibbs PLLC 601 Union Street, Suite 4100 Seattle, Washington 98101-2380 (206) 628-6600

### Case 2:01-md-01407-BJR Document 3506 Filed 03/23/07 Page 8 of 14

| 1   | Gwin, Deborah         | 03-1007 | The Delaco Company                              |
|-----|-----------------------|---------|---|
| 2   |                       |         | Sidmak Laboratories, Inc.                       |
| 2   |                       |         | Sobel NV  |
| 3   |                       |         | Chattem, Inc. Signal Investment and Management  |
| 3   |                       |         | Pam Holdings, Inc. (DE)                         |
| 4   |                       |         | Pam Holdings, Inc. (NJ)                         |
| •   |                       |         | Plivaa DD                                       |
| 5   |                       |         | Alps Pharmaceuticals                            |
|     | Hagan, John and Paula | 03-1116 | Chattem, Inc.                                   |
| 6   | Hagan                 |         | The Delaco Company                              |
|     |                       |         | Sidmak Laboratories, Inc.                       |
| 7   |                       |         | Sobel NV  |
|     |                       |         | Alps Pharmaceuticals                            |
| 8   |                       |         | Signal Investment & Management Co.              |
| 0   |                       |         | Pam Holdings, Inc. (DE)                         |
| 9   |                       |         | Pam Holdings, Inc. (NJ)                         |
| 10  | Hagen, Pamela and     | 03-1015 | DD Plivaa                                       |
| 10  | Jeffrey Hagen         | 03-1013 | The Delaco Company<br>Sidmak Laboratories, Inc. |
| 11  | Jenney Hagen          |         | Sobel NV  |
|     |                       |         | Chattem, Inc.                                   |
| 12  |                       |         | Signal Investment and Management                |
|     |                       |         | Pam Holdings, Inc. (DE)                         |
| 13  |                       |         | Pam Holdings, Inc. (NJ)                         |
|     |                       |         | Plivaa DD                                       |
| 14  |                       |         | Alps Pharmaceuticals                            |
| 15  | Hamblin, Lisa         | 04-375  | Thompson Medical Co., Inc.                      |
| 15  | Hand, Carol and       | 01-2105 | Thompson Medical Co., Inc.                      |
| 16  | Angela Joubert        |         | The Delaco Company                              |
| 10  | Eugene Joubert        |         | Plivaa DD<br>DD Plivaa                          |
| 17  |                       |         | Pliva Prague                                    |
|     |                       |         | Pliva, Inc.                                     |
| 18  |                       |         | Pliva DD  |
|     |                       |         | Sidmak Laboratories, Inc.                       |
| 19  | Hentges, Henry        | 02-1864 | Thompson Medical Co., Inc.                      |
| • • |                       |         | The Delaco Company                              |
| 20  |                       |         | Chattem, Inc.                                   |
| 21  | Hinojosa, Teresa and  | 03-1380 | The Delaco Company                              |
| ∠1  | Ever Hinojosa         |         | Chattem, Inc.                                   |
| 22  | 4                     |         | H.E. Butt Grocery                               |
| 22  |                       |         |   |

23

24

25

ORDER GRANTING MOTION TO DISMISS "DELACO RELEASED PARTIES" - 8  $\,$  (MDL No. 1407)

Williams, Kastner & Gibbs PLLC 601 Union Street, Suite 4100 Seattle, Washington 98101-2380 (206) 628-6600

| 1   | Hollingsworth, Kathleen                         | 03-1113  | The Delaco Company                            |
|-----|---|--|---|
| _   |   |  | Sidmak Laboratories, Inc.                     |
| 2   |   |  | Sobel NV<br>Chattem, Inc.                     |
| 3   |   |  | Signal Investment and Management              |
|     |   |  | Pam Holdings, Inc. (DE)                       |
| 4   |   |  | Pam Holdings, Inc. (NJ)                       |
| 5   |   |  | Plivaa DD                                     |
| 3   | Hrynyk, Joyce A.                                | 03-613   | Alps Pharmaceuticals The Delaco Company       |
| 6   | Thynyk, Joyce A.                                | 03-013   | Pathmark Stores, Inc.                         |
|     |   |  | Sidmak Laboratories, Inc.                     |
| 7   | Hudkins, Janey                                  | 03-1009  | The Delaco Company                            |
| 8   |   |  | Sidmak Laboratories, Inc.                     |
| 0   |   |  | Sobel NV<br>Chattem, Inc.                     |
| 9   |   |  | Signal Investment and Management              |
|     |   |  | Pam Holdings, Inc. (DE)                       |
| 10  |   |  | Pam Holdings, Inc. (NJ)                       |
| 11  |   |  | Plivaa DD                                     |
| 11  | Hyde, William                                   | 04-384   | Alps Pharmaceuticals Chattem, Inc.            |
| 12  | Tryde, wimam                                    | 04-364   | Chattem, Inc. Consumer Products Division      |
|     |   |  | The Delaco Company                            |
| 13  | Jackson, Nadine and                             | 01-2225  | Sidmak Laboratories, Inc.                     |
| 14  | Clarence Jackson                                |  | The Delaco Company Thompson Modical Co. Tra   |
| - ' | Jackson, Thelma                                 | 04-88  | Thompson Medical Co., Inc. The Delaco Company |
| 15  | Johnson, Keith,                                 | 04-1370  | Chattem, Inc.                                 |
| 1.0 | Individually and o/b/o                          |  | The Delaco Company                            |
| 16  | Estate of Janet Johnson                         | 01.0101  | Pliva, Inc.                                   |
| 17  | Johnson, Leola (deceased,                       | 01-2181  | The Delaco Company                            |
| - / | by and through her daughter, Ora Mae            |  | DD Plivaa<br>Pliva Prague                     |
| 18  | Pittman) and Ora Mae                            |  | Pliva, Inc.                                   |
| 10  | Pittman, Individually                           |  | Pliva DD                                      |
| 19  |   | 00.000   | Sidmak Laboratories, Inc.                     |
| 20  | Joslyn, Candy Coats                             | 03-3023  | Chattem, Inc.                                 |
|     | Keys, Lillian Williams<br>and Henry Joseph Keys | 03-2145  | Chattem, Inc. Thompson Medical Co., Inc.      |
| 21  | and Hemy Joseph Reys                            |  | The Delaco Company                            |
| 22  | Kunkel, Betty                                   | 04-409   | The Delaco Company                            |
| 22  | Ladell, Betty                                   | 03-1442  | The Delaco Company                            |
| 23  | T 1 IZ 11 D                                     | 02.2255  | Chattem, Inc.                                 |
|     | Logsdon, Kelly R.                               | 02-2355  | The Delaco Company<br>Chattem, Inc.           |
| 24  |   |  | Sidmak Laboratories, Inc.                     |
|     | <u> </u>  | <u>.                                      </u> | Sidilimit Emoditarioi 100, 1110.              |

ORDER GRANTING MOTION TO DISMISS "DELACO RELEASED PARTIES" - 9 (MDL No. 1407)

Williams, Kastner & Gibbs PLLC 601 Union Street, Suite 4100 Seattle, Washington 98101-2380 (206) 628-6600

1975490.1

### Case 2:01-md-01407-BJR Document 3506 Filed 03/23/07 Page 10 of 14

| 1  | Lowery, Kathy           | 01-2104 | Thompson Medical Co., Inc.                          |
|----|-------------------------|---------|---|
|    |                         |         | Delaco Company                                      |
| 2  |                         |         | Plivaa DD   |
|    |                         |         | Pliva Prague  |
| 3  |                         |         | Pliva, Inc.   |
|    |                         |         | Pliva DD  |
| 4  |                         |         | Sidmak Laboratories, Inc.                           |
| 5  | Magnussen, Michelle and | 03-1114 | The Delaco Company                                  |
|    | Kraig Magnussen         | 03 1111 | Sidmak Laboratories, Inc.                           |
| 6  | 12.018 1/2081000001     |         | Sobel NV  |
|    |                         |         | Chattem, Inc.                                       |
| 7  |                         |         | Signal Investment and Management                    |
|    |                         |         | Alps Pharmaceuticals                                |
| 8  |                         |         | Pam Holdings, Inc. (DE)                             |
|    |                         |         | Pam Holdings, Inc. (NJ)                             |
| 9  |                         |         | DD Plivaa   |
| 10 |                         |         | Pam Holdings, Inc. (f/k/a Sobel Holdings,           |
| 10 | 7                       | 02.220  | Inc.)   |
| 11 | Marcum, Janet and Hiram | 03-220  | Sidmak Laboratories, Inc.                           |
| 11 | Marcum                  |         | The Delaco Company                                  |
| 12 | Mary Hanald             | 03-879  | Thompson Medical Co., Inc.                          |
| 12 | May, Harold             | 03-879  | The Delaco Company f/k/a Thompson Medical Co., Inc. |
| 13 |                         |         | Chattem, Inc.                                       |
| 13 |                         |         | Sidmak Laboratories, Inc.                           |
| 14 |                         |         | Sobel NV  |
| •  |                         |         | Pliva Prague  |
| 15 |                         |         | Steve Weiss & Co., Inc.                             |
|    |                         |         | Alps Pharmaceuticals, Inc. Co. Ltd.                 |
| 16 | McCarty, Dickie and Jan | 03-1525 | The Delaco Company                                  |
|    | McCarty                 | 00 1020 | Chattem, Inc.                                       |
| 17 | McKinney, Catherine     | 03-3029 | Chattem, Inc.                                       |
| 10 | Medrano, Gloria R. and  | 03-247  | The Delaco Company                                  |
| 18 | Juan Medrano            |         | Chattem, Inc.                                       |
| 10 |                         |         | HE Butt Grocery Company                             |
| 19 |                         |         | Wal-Mart Stores, Inc.                               |
| 20 |                         |         | Pam Holdings (DE)                                   |
| 20 | Mergen, Leslie          | 02-759  | Chattem, Inc.                                       |
| 21 |                         |         | The Delaco Company                                  |
| 41 | Miller, Anna Faye       | 03-942  | Chattem, Inc.                                       |
| 22 |                         |         | The Delaco Company                                  |
|    | 7.                      | 04 1110 | HE Butt Grocery Co.                                 |
| 23 | Montgomery, Rebecca     | 04-1119 | Chattem, Inc.                                       |
|    | Moore, Katherine        | 03-246  | Thompson Medical Co., Inc.                          |
| 24 |                         |         | The Delaco Company                                  |
|    |                         |         | Sidmak Laboratories, Inc.                           |
| 25 |                         |         | Pliva, Inc.   |
| -  |                         |         |   |

ORDER GRANTING MOTION TO DISMISS "DELACO RELEASED PARTIES" - 10

(MDL No. 1407)

Williams, Kastner & Gibbs PLLC 601 Union Street, Suite 4100 Seattle, Washington 98101-2380 (206) 628-6600

1975490.1

### Case 2:01-md-01407-BJR Document 3506 Filed 03/23/07 Page 11 of 14

| 1  | Moore, Roger Dale                                  | 04-548  | Chattem, Inc.<br>The Delaco Company                      |
|----|--|---------|--|
| 2  |  |         | Pliva, Inc.  |
| 3  | Mosley, Robin                                      | 03-3525 | Chattem, Inc. Thompson Medical Co., Inc.                 |
| 4  |  |         | Everitt Discount Drugs                                   |
| 5  | Mulcahy, Sarah and<br>Robin O'Brian Mulcahy        | 03-1517 | The Delaco Company<br>Chattem, Inc.                      |
| 6  | Neidhart, Carl                                     | 04-1617 | Chattem, Inc. Chattem, Inc. Consumer Products Division   |
| 7  | Ochoa, Anna  | 03-608  | The Delaco Company Sidmak Laboratories                   |
| 8  | Pendleton, Thelma                                  | 04-395  | Chattem, Inc. The Delaco Company                         |
| 9  | Peterson, Teri Jean and<br>Steven Matthew Peterson | 03-624  | Chattem, Inc.<br>Eckerd Co.                              |
| 10 |  |         | Eckerd Holdings II, Inc. The Delaco Company              |
| 11 | Peterson, Teri Jean and Steven Matthew Peterson    | 03-3128 | The Delaco Company                                       |
| 12 | Pettet, Susan                                      | 03-2749 | Sidmak Laboratories, Inc. The Delaco Company             |
| 13 |  |         | Chattem, Inc. Steve Weiss & Co., Inc.                    |
| 14 | Pierce, Mary                                       | 03-1011 | The Delaco Company<br>Sidmak Laboratories, Inc.          |
| 15 |  |         | Sobel NV<br>Chattem, Inc.                                |
| 16 |  |         | Signal Investment and Management Pam Holdings, Inc. (DE) |
| 17 |  |         | Pam Holdings, Inc. (NJ)<br>Plivaa DD                     |
| 18 | Pitts, Angelina                                    | 03-623  | Alps Pharmaceuticals The Delaco Company                  |
| 19 | Powell, Betty                                      | 03-3552 | Chattem, Inc. Thompson Medical Co., Inc.                 |
| 20 |  | 02.556  | Wells Discount Drugs                                     |
| 21 | Redmond, Earl and Damita Little Redmond            | 02-556  | Chattem, Inc. The Delaco Company                         |
| 21 | Reynolds, Iona Hope and<br>Officer Thomas          | 03-1118 | Chattem, Inc. The Delaco Company                         |
| 22 |  |         | Sidmak Laboratories, Inc.<br>Sobel NV                    |
| 23 |  |         | Alps Pharmaceuticals Signal Investment & Management Co.  |
| 24 |  |         | Pam Holdings, Inc. (DE) Pam Holdings, Inc. (NJ)          |
| 25 |  |         | DD Pliva   |
|    | 1  |         |  |

ORDER GRANTING MOTION TO DISMISS "DELACO RELEASED PARTIES" - 11 (MDL No. 1407)

Williams, Kastner & Gibbs PLLC 601 Union Street, Suite 4100 Seattle, Washington 98101-2380 (206) 628-6600

1975490.1

### Case 2:01-md-01407-BJR Document 3506 Filed 03/23/07 Page 12 of 14

| 1    | Ridings, Nell             | 03-1123 | Chattem, Inc.                                 |
|------|---------------------------|---------|---|
|      |                           |         | The Delaco Company                            |
| 2    |                           |         | Sidmak Laboratories, Inc.                     |
| 3    |                           |         | Sobel NV<br>Alps Pharmaceuticals              |
| 5    |                           |         | Signal Investment & Management Co.            |
| 4    |                           |         | Pam Holdings, Inc. (DE)                       |
| .    |                           |         | Pam Holdings, Inc. (NJ)                       |
| 5    |                           |         | DD Pliva                                      |
|      | Ringer, Lillie            | 03-1010 | The Delaco Company                            |
| 6    | _                         |         | Sidmak Laboratories, Inc.                     |
| _    |                           |         | Sobel NV                                      |
| 7    |                           |         | Chattem, Inc.                                 |
| 8    |                           |         | Signal Investment and Management              |
| 0    |                           |         | Pam Holdings, Inc. (DE)<br>Pam Holdings, (NJ) |
| 9    |                           |         | Plivaa DD                                     |
|      |                           |         | Alps Pharmaceuticals                          |
| 10   | Roberson, Debbie          | 03-606  | The Delaco Company                            |
|      |                           |         | Thompson Medical Co., Inc.                    |
| 11   |                           |         | Chattem, Inc.                                 |
|      | Robinson, Margaret and    | 02-280  | Thompson Medical Co., Inc.                    |
| 12   | Wayne Robinson            |         | Target Corporation, Inc.                      |
| 13   | Roe, Gary G.              | 03-611  | Sidemak Laboratories, Inc.                    |
| 13   |                           |         | The Delaco Company                            |
| 14   |                           |         | Chattem, Inc.                                 |
| •    | Roebuck, Kitt             | 02-898  | Steve Weiss & Co. Thompson Medical Co., Inc.  |
| 15   | Roeduck, Kitt             | 02-090  | Chattem, Inc.                                 |
|      |                           |         | Sav-On Drug Stores, Inc. (as it relates to    |
| 16   |                           |         | Dexatrim)                                     |
|      |                           |         | American Drug Stores, Inc. (as it relates to  |
| 17   |                           |         | Dexatrim)                                     |
| 18   |                           |         | Sidmak Laboratories, Inc.                     |
| 10   |                           | 02 1111 | The Delaco Company                            |
| 19   | Schlegel, Mildred and     | 03-1111 | Sidmak Laboratories, Inc.                     |
| 1/   | Gary                      |         | The Delaco Company Chattem, Inc.              |
| 20   | Schuster, Susan           | 04-882  | Chattem, Inc.                                 |
|      | Schuster, Susan           | 04-882  | The Delaco Company                            |
| 21   |                           |         | Pliva, Inc.                                   |
|      | Shivers, Robin and Jackie | 04-17   | Thompson Medical Co., Inc.                    |
| 22   | Shivers                   |         | -   |
| 23   | Slappery, Mina            | 01-2135 | Thompson Medical Co., Inc.                    |
| ا دے |                           |         | Chattem, Inc.                                 |
| 24   |                           | 02.2476 | Sidmak Laboratories, Inc.                     |
| - '  | Smith, Estelle S.         | 03-3476 | Chattem, Inc.                                 |
| 25   |                           |         |   |

ORDER GRANTING MOTION TO DISMISS "DELACO RELEASED PARTIES" - 12 (MDL No. 1407)

Williams, Kastner & Gibbs PLLC 601 Union Street, Suite 4100 Seattle, Washington 98101-2380 (206) 628-6600

### Case 2:01-md-01407-BJR Document 3506 Filed 03/23/07 Page 13 of 14

| 1  | Soland, Linda          | 03-1127  | The The Delaco Company                        |
|----|------------------------|----------|---|
|    |                        |          | Sidmak Laboratories, Inc.                     |
| 2  |                        |          | Sobel NV                                      |
| 3  |                        |          | Chattem, Inc.                                 |
| 3  |                        |          | Signal Investment and Management              |
| 4  |                        |          | Pam Holdings, Inc. (DE)                       |
| 4  |                        |          | Pam Holdings, Inc.<br>Plivaa DD               |
| 5  |                        |          | Alps Pharmaceuticals                          |
|    | Sopala, Diane          | 03-1008  | The Delaco Company                            |
| 6  | Sopula, Blane          | 05 1000  | Sidmak Laboratories, Inc.                     |
|    |                        |          | Sobel NV                                      |
| 7  |                        |          | Chattem, Inc.                                 |
|    |                        |          | Signal Investment and Management              |
| 8  |                        |          | Pam Holdings, Inc. (DE)                       |
|    |                        |          | Pam Holdings, Inc. (NJ)                       |
| 9  |                        |          | Plivaa DD                                     |
| 10 |                        | 01.01.77 | Alps Pharmaceuticals                          |
| 10 | Stam, Anita and Joseph | 01-2155  | Thompson Medical Co., Inc.                    |
| 11 | Stam                   |          | Plivaa DD                                     |
| 11 |                        |          | Pliva Prague                                  |
| 12 |                        |          | Pliva, Inc.                                   |
| 12 | Taylor Chirley         | 02-770   | Sidmak Laboratories, Inc.                     |
| 13 | Taylor, Shirley        | 02-770   | Thompson Medical Co., Inc. The Delaco Company |
| 13 |                        |          | Chattem, Inc.                                 |
| 14 | Tedesco, Tammy and     | 01-1570  | Thompson Medical Co., Inc.                    |
|    | Mike Tedesco           | 01-1370  | Chattem, Inc.                                 |
| 15 | Wike redeseo           |          | The Delaco Company                            |
|    |                        |          | Sidmak Laboratories, Inc.                     |
| 16 |                        |          | Sobel NV                                      |
|    |                        |          | Steve Weiss & Co., Inc.                       |
| 17 |                        |          | Pliva Prague                                  |
|    |                        |          | Plivaa DĎ                                     |
| 18 |                        |          | DD Plivaa                                     |
| 10 |                        |          | Pliva, Inc.                                   |
| 19 | Trevino, Yolanda       | 03-474   | Chattem, Inc.                                 |
| 20 | Vaughn, Helen          | 02-758   | Chattem, Inc.                                 |
| 20 |                        |          | Sidmak Laboratories, Inc.                     |
| 21 | XX 1 T                 | 00.760   | The Delaco Company                            |
| -1 | Ward, Teresa           | 02-769   | Thompson Medical Co., Inc.                    |
| 22 |                        |          | The Delaco Company                            |
| _  | Whaley, Barbara J.     | 02-2605  | Chattem, Inc. Chattem, Inc.                   |
| 23 | Wilborn, Denise        | 04-235   | Chattem, Inc.                                 |
|    | w noom, Demse          | 04-433   | The Delaco Company                            |
| 24 | Williams, Dora and     | 04-1621  | Chattem, Inc.                                 |
|    | Donny Williams         | 07-1021  | Thompson Medical Co., Inc.                    |
| 25 |                        |          | Pliva, Inc.                                   |
|    |                        | <u> </u> | 1   |

ORDER GRANTING MOTION TO DISMISS "DELACO RELEASED PARTIES" - 13 (MDL No. 1407)

Williams, Kastner & Gibbs PLLC 601 Union Street, Suite 4100 Seattle, Washington 98101-2380 (206) 628-6600

### Case 2:01-md-01407-BJR Document 3506 Filed 03/23/07 Page 14 of 14

| 1   | Williams, Mary       | 02-1263 | The Delaco Company                        |
|-----|----------------------|---------|---|
|     |                      |         | Chattem, Inc.                             |
| 2   |                      |         | Sidmak Laboratories, Inc.                 |
| _   |                      |         | Sobel NV                                  |
| 3   |                      |         | Pliva Prague                              |
| _   |                      |         | Steve Weiss & Co., Inc.                   |
| 4   |                      |         | Alps Pharmaceutical Ind. Co. Ltd.         |
| _   | Wilson, Patricia and | 03-1120 | The Delaco Company                        |
| 5   | Stephen              |         | Sidmak Laboratories, Inc.                 |
|     |                      |         | Sobel NV                                  |
| 6   |                      |         | Signal Investment and Management          |
| _   |                      |         | Pam Holdings, Inc. (DE)                   |
| 7   |                      |         | Pam Holdings, Inc. (NJ)                   |
|     |                      |         | Plivaa DD                                 |
| 8   |                      |         | Alps Pharmaceuticals                      |
|     | Wray, Judy K.        | 03-615  | The Delaco Company                        |
| 9   |                      |         | Chattem, Inc.                             |
| 10  |                      |         | Steve Weiss & Co., Inc.                   |
| 10  |                      |         | Sidmak Laboratories, Inc.                 |
| 11  | Wright, Edgar        | 03-349  | Thompson Medical Co., Inc.                |
| 11  |                      |         | The Delaco Company                        |
| 12  |                      |         | Sidmak Laboratories, Inc.                 |
| 12  |                      | 00.1101 | Pliva, Inc.                               |
| 13  | Young, Mark          | 03-1124 | The Delaco Company                        |
| 13  |                      |         | Sidmak Laboratories, Inc.                 |
| 14  |                      |         | Sobel NV                                  |
| 14  |                      |         | Chattem, Inc.                             |
| 15  |                      |         | Signal Investment and Management          |
| 13  |                      |         | Pam Holdings, Inc. (f/k/a Sobel Holdings, |
| 16  |                      |         | Inc.)                                     |
| 10  |                      |         | Pam Holdings, Inc. (NJ)                   |
| 17  |                      |         | Pam Holdings, Inc. (DE)                   |
| 1 / |                      |         | Plivaa DD                                 |
| 18  | Zaam Datty           | 04.224  | Alps Pharmaceuticals The Polege Company   |
| 10  | Zaerr, Patty         | 04-234  | The Delaco Company                        |

19

20

21

22

23

24

25

ORDER GRANTING MOTION TO DISMISS "DELACO RELEASED PARTIES" - 14 (MDL No. 1407)

Williams, Kastner & Gibbs PLLC 601 Union Street, Suite 4100 Seattle, Washington 98101-2380 (206) 628-6600